

### **REMARKS**

The Office Action of April 15, 2010 has been carefully reviewed and these remarks are responsive thereto. Claims 1-14 and 21 were canceled previously in response to the Restriction Requirement mailed on July 11, 2008 without prejudice or disclaimer. Claims 15, 18, 19, 20, 22, 23, 25, 28-31 and 33-36 have been amended. Claims 39-47 have been added. No new matter has been added. Claims 16, 37 and 38 are presently cancelled without prejudice or disclaimer. Claims 15, 17-20, 22-36 and 39-47 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Statement of Substance of Interview***

Applicants thank the Examiner for the courtesies extended to Applicants' undersigned representative during the personal interview of May 19, 2010. The following remarks and comments represent Applicants' statement of the substance of the interview.

#### ***Claim Rejections Under 35 U.S.C. §103***

Claims 15-18 and 31-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aristides *et al.* (U.S. Patent No. 5,630,119, "Aristides") in view of Eyer *et al.* (U.S. Patent No. 5,801,753, "Eyer"). Claims 19, 20 and 22-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aristides in view of Eyer and Hendricks *et al.* (U.S. Patent No. 5,734,853, "Hendricks"). Applicants respectfully traverse these rejections.

Amended independent claim 15 recites, *inter alia*,

(a) generating by a server, for a first plurality of channels, a first program guide video stream comprising a plurality of video frames including images of a first program guide screen, the first program guide screen comprising programming offered by each of said first plurality of channels during a predetermined period;

(b) generating by the server, for each of a second plurality of channels, a second program guide video stream comprising a plurality of video frames including images of a second program guide screen, the second program guide screen comprising programming offered by each of said second plurality of channels during said predetermined time period; and

(c) transmitting, to the at least one terminal, said first and second program guide video streams, said first and second program guide video streams being

temporally aligned according to said predetermined time period and wherein the server is located remotely from the at least one terminal.

The cited references, taken separately or in combination, fail to teach or suggest these features. For example, nowhere does Aristides, Eyer or Hendricks teach or suggest generating, by a server, multiple video streams comprising pluralities of video frames, the video frames including images of a first program guide *screen* and a second program guide screen. The Office Action asserts at p. 2 that Eyer describes preformatted EPG pages. In particular, and as discussed with the Examiner during the interview, the cited portions of Eyer describe the transmission of *database* pages, which the Examiner appears to equate to displayed EPG screens. However, such an assertion or interpretation is not supported by Eyer. Indeed, nowhere does Eyer teach or suggest that the database pages are displayable EPG screens. At best, the description of database pages refers to raw IPG data formatted according to a certain data structure. Col. 2, ll. 24-33; *See also* Table 1. In fact, Eyer fails to describe the process of generating the actual displayed IPG screens.

Furthermore, as further discussed with Examiner Brown during the personal interview, Eyer's database pages do not teach or suggest a video stream comprising a plurality of video frames, wherein the video frames include images of a program guide screen. Even assuming, without conceding, that the data stored in the database pages are used to generate a screen, there is no teaching or suggestion in Eyer that the database pages are images of the program guide screen themselves, much less a plurality of video frames of a video stream.

Aristides is similarly deficient. For example, nowhere does Aristides teach or suggest the transmission of images of a program guide screen in a video stream from a server to a terminal remote from the server. In fact, and as Applicants noted during the personal interview, the rendering or generating of the program guide display/image in Aristides is performed *at the set top terminal*. *See* FIG. 2; *see also* Col. 5, line 43 - Col. 6, line 9. Clearly, Aristides is directed to transmitting the underlying data of a program guide to the set top terminal and having the set top terminal produce the program guide screen in contrast to transmitting the already generated program guide screen images as recited in claim 15. Hendricks also fails to cure the deficiencies of Eyer and Aristides. Accordingly, notwithstanding the propriety of the asserted combinations, claim 15 is allowable for at least these reasons.

Claims 34 and 37 have been amended similar to claim 15 and are thus allowable for at

least the same reasons as claim 15.

Amended independent claim 19 recites, *inter alia*,

identifying a first physical channel including program guide information associated with said first time period of interest, wherein the program guide information is received from a server located remotely from the terminal;

decoding, by the terminal, a first logical stream within said first identified physical channel, said first logical stream comprising a first program guide video stream, said first program guide video stream comprising a plurality of video frames including images of a first program guide screen comprising programming offered by each of a first plurality of channels during a first predetermined time period including said first time period of interest, said first program guide video stream further including video objects corresponding to interactive elements of the first program guide screen.

As noted above, Aristides and Eyer are limited to describing the transmission of program guide data to a set top terminal. That is, there is no teaching or suggestion in either document of the transmission of a pre-generated video stream, video frame or program guide screen image. In fact, Aristides describes just the opposite. Accordingly, claim 19 is allowable for at least these reasons.

Additionally, claim 19 recites, *inter alia*,

retrieving, from a memory of the terminal, a graphic overlay comprising a plurality of graphic objects, each of said plurality of graphic objects having a predefined display position visually cooperative with a display position of a corresponding video object included in the first program guide video stream, said graphic objects being user interactive to selectively emphasize one of said video objects;

displaying said first program guide video stream of said identified physical channel and said graphic overlay, wherein the graphic overlay overlays the first program guide screen images of the first program guide video stream; and

detecting a first user interaction with a video object of the first program guide video stream; and

in response to the first user interaction, modifying, by the terminal, at least one of said graphic objects corresponding to the video object with which the first user interaction is detected without modifying the video object or the first program guide video stream.

The Office Action concedes that Aristides does not teach or suggest retrieving a graphic overlay comprising a plurality of graphic objects having a predefined display position visually cooperative with a display position of a corresponding video object. To allegedly cure this

deficiency, the Office Action cites Hendricks and, in particular, Hendricks' description of templates. Even assuming, without conceding, the validity of such an assertion, Hendricks still fails to teach or suggest the graphic overlay *overlaying* the program guide screen and that modifying a graphic object of the graphic overlay does not involve modifying corresponding video objects of the video stream carrying the program guide screen. Indeed, the Hendricks' template is merely used to generate the program guide screen. Thus, even assuming, without conceding, that Hendricks' template is displayed by virtue of displaying the program guide screen, the template and the program guide screen correspond to a single object, rather than the template being a separate item that overlays the program guide screen. Accordingly, claim 19 is allowable for at least these reasons.

Claims 17, 18, 31 and 32 are dependent on claim 15, claims 20, 22-30 and 33 are dependent on claim 19 and claims 35 and 36 are dependent on claim 34. Claims 17, 18, 20, 22-33, 35 and 36 are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein.

#### ***New Claims***

Claims 39-47 have been added. No new matter has been added. Support of the features recited in claims 39-47 may be found throughout the originally filed Specification.

Claim 39 recites, *inter alia*,

receiving, from a server located remotely from the apparatus, a first program guide video stream comprising a plurality of video frames including pre-generated images of a first program guide screen, the first program guide screen comprising programming offered by each of a first plurality of channels during a predetermined period;

receiving, from the server, a second program guide video stream comprising a plurality of video frames including pre-generated images of a second program guide screen, the second program guide screen comprising programming offered by each of a second plurality of channels different from the first plurality of channels during said predetermined time period...and

displaying said first and second program guide video streams on a display device.

As noted above, the cited documents are limited to describing rendering or generating of the program guide display/image is performed *at the set top terminal*. See, e.g., Aristedes, FIG. 2; see also *id.* at Col. 5, line 43 - Col. 6, line 9. Eysers is similarly deficient. At best, Eysers

describes the transmission of database pages. However, read in proper context, these database pages merely include data that is used to construct program guide screens. Accordingly, notwithstanding the propriety of the asserted combinations, the combinations would not have resulted in each and every feature recited in claim 39. Claim 39 is thus allowable for at least these reasons.

Claim 42 recites features similar to those discussed above with respect to claim 39 and is thus allowable for substantially the same reasons.

Claim 45 is dependent on claim 15, claim 46 is dependent on claim 19, claim 47 is dependent on claim 34, claims 40 and 41 are dependent on claim 39 and claims 43 and 44 are dependent on claim 42. Accordingly, claims 40, 41 and 43-47 are allowable for at least the same reasons as their respective base claims.

### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account 19-0733 in the appropriate amount.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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